

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PAUL MICHEAL SMITH,)
)
)
Plaintiff,)
)
)
v.) 1:24-cv-845
)
)
THOMAS DOUB Police Officer,)
CODY HAMPTON Police Officer,)
K. ANTAL Police Officer, and)
K. LAWSON Police Officer,)
)
Defendants.)

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on November 4, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 15.) In the Recommendation, the Magistrate Judge recommends that "the instant Complaint, (Doc. 1), should be summarily dismissed as a frivolous duplicate filing in the interest of judicial economy and efficiency," and that the Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). The Recommendation was served on the parties to this action on November 4, 2024. (Doc. 16). Plaintiff filed timely objections to the Recommendation. (Doc. 19.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." *Id.*

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 15), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff pursuing his claims in Smith v. Hampton, et al., 1:24-cv-632 (M.D.N.C. filed July 30, 2024).

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 31st day of January, 2025.

William L. Osteen, Jr.
United States District Judge